



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 6361-99
1 November 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You request to be reinstated on active duty, and contend that your discharge was erroneous because you were on limited duty.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 11 May 1999, the Physical Evaluation Board found you fit for duty, and you accepted that determination on 26 May 1999. Subsequently, you were recommended for discharge by reason of a condition, not a disability, interfering with your performance of duty. After being advised of your rights in connection with the discharge process, you waived your right to appear before an administrative discharge board to contest the proposed separation. You were discharged from the Navy on 30 August 1999, without entitlement to disability benefits administered by the Department of the Navy. You were not in a limited duty status at the conclusion of your disability evaluation or at the time of your discharge processing, and, accordingly, your discharge was not prohibited.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director